

in this state. You undoubtedly know that I am a graduate in medicine and was licensed to practice it in the State of Maryland in 1907. The "M. D." after my initials in the local telephone directory was added about ten years ago, at the suggestion of the local manager of the company, in order to avoid daily annoyance from telephone calls for a local plumber resident here. His initials were the same as mine.

I know that neither the local manager of the telephone company nor I had the remotest idea that the inclusion of the letters "M. D." after my name in the list of patrons of the telephone company could possibly be regarded as a violation of the state Medical Practice Act. Moreover, after carefully considering the paragraph of this act, which you thoughtfully enclosed, I cannot believe that any violation is involved by that and successive acts of the telephone company. I readily concede that you and Mr. Davidson undoubtedly are more familiar with the interpretation of this law than I am, but I fail to see how the printing of a name in ordinary type, and without financial consideration, by a commercial company, could possibly make anyone guilty, as you and Mr. Davidson seem to think it does. The directory of the company surely is one thing, and advertisements in it quite another. Moreover, those initials did not appear in any subsequent directory with my especial knowledge or consent.

Under the circumstances, it must greatly interest you to know that my name appears in the same way in official publications of Stanford University, in most of the scientific periodicals in which I have published articles for the last two decades and over, in scientific programs, upon the roster of scientific societies, etc., etc. Hence, if my name as it appears in the local telephone directory violates the Medical Practice Act of the State of California, then surely all the other appearances also do so, and I stand guilty of your charge many times, both with and without my knowledge and consent.

Although it is now wholly immaterial to me whether my name continues to appear in this form in the local directory, I cannot hesitate to express my conviction that the state Medical Practice Act must be unconstitutional if it denies me the right to use the title of Doctor of Medicine in this and similar ways, for it was legally and lawfully acquired. Moreover, I am ready to take steps to test the constitutionality of that act if this privilege is denied me. In fact, Doctor Pinkham, the thing is so ridiculous as to be laughable, and had Mr. Davidson not requested me but last week to testify in a case to come before the board about July 10, I should have been compelled to conclude that you and he had, for some reason wholly unknown to me, joined forces to reflect seriously upon my character. Surely someone must have had a bad dream, or some local friendly enemy, whose existence is unknown and unsuspected by me, must have led Mr. Davidson and you astray. For it is exactly such overzealous activity for the protection of our profession that has so often brought discredit and public scorn upon it, both at home and abroad.

Since you do not mention it I presume you have none, but if you have one iota of real evidence, or if you know of any charges implying that I ever violated any of the medical practice acts of this state, I shall fully expect you to inform me without delay. I ask this especially since I am about to leave for a vacation of some weeks in the mountains.

Since both my character and integrity are involved in the charge brought against me in your letter, I am sending a copy of your letter, with its enclosure, and my reply to President Wilbur and to Doctor Phillips, the president of the State Board of Medical Examiners.

With cordial regards,

Very sincerely yours,
A. W. MEYER.

**Subject of Following Letter: President Phillips'
Letter to Doctor Meyer**
Board of Medical Examiners
State of California

Santa Cruz, California,
September 6, 1928.

Dr. A. W. Meyer,
Stanford University,
California.

Dear Doctor Meyer

Yours of August 28 received. I delayed answering till I could see Doctor Pinkham. You will appreciate the fact that I am not in touch with the current board correspondence down here in Santa Cruz.

When I received your first letter I spoke to Doctor Pinkham, and looked upon the matter as a simple one; a removal of the M. D. in the telephone book would settle it.

Of course you will understand we do not make the laws, we are only administering them. It seems a necessary restriction. If all were M. D.'s, and situated as you are, there would be no need for it. Unfortunately that is not the case, and we who are dealing with these matters constantly, know what would happen were it otherwise. The restriction does as much to protect the profession as the laity.

Please rest assured you were not singled out by Doctor Pinkham for discipline. There is no discipline about it, but, in the discharge of his official duties, he must take cognizance of such matters as are reported to him. I am sure you and he will arrive at an amicable understanding. . . .

Yours sincerely,
P. T. PHILLIPS.

* * *

**Subject of Following Letter: Doctor Meyer's
Letter to State Board Secretary**

September 13, 1928.

Dr. P. T. Phillips,
Santa Cruz, California.

Dear Doctor Phillips:

I greatly appreciate your friendly letter of September 6 and fully realize the good intentions of the board. I will always be ready to facilitate your difficult task in every possible way, but I do not believe that admitting the false accusation against me can possibly redound to the good of our profession. I regret that I cannot recognize the validity of the interpretation of the board for competent, impartial authorities whom I have consulted since your letter was received hold that the state Medical Practice Act was not violated by the way my name was printed by the telephone company in its local and metropolitan list of patrons.

The language of the law necessarily is broad, but there is nothing in it which declares that such an insertion of my name is an advertisement and that, if I understand correctly, is what is implied in the accusation. I realize, of course, that the board did not make the law, but I hope and believe that it was consulted. Moreover, representatives of our profession undoubtedly formulated the bill and requested its passage and hence we cannot justly shift the responsibility for it upon others.

Since I am enclosing a copy of my letter to the secretary of the board, Doctor Pinkham, regarding the matter, I will merely add my warmest regards to you and your son, whom all of us remember very pleasantly.

Cordially and sincerely yours,
A. W. MEYER.

* * *

**Subject of Following Letter: Doctor Meyer's
Letter to State Board Secretary**

September 13, 1928.

Dr. C. B. Pinkham,
State Board of Medical Examiners,
Sacramento, California.

Dear Doctor Pinkham:

There has been a few days' delay in my response to your letters of July 14 and August 31, which were mailed on September 4 and received on September 6,

because I desired to consult competent legal authorities before writing again.

Although you charge me with being guilty of a misdemeanor in your letter of July 7, you nevertheless declare, in that mailed on September 4, that this was not a reflection upon my character or integrity. That it was not your aim to so reflect I willingly admit, but that it did so must be self-evident. Moreover you did not retract the charge, but by implication reiterated it.

I think you will find that I have always been ready to cooperate for the good of the profession, and the implication that I have failed to do so is entirely unjustified. I readily grant that it may be your duty to take action upon what the agent of the board reports, but if, as you imply, you must waive your initiative and judgment, then it necessarily follows that you are his agent and not he yours.

Competent legal authority is of the opinion that the insertion of my name with the letters M. D. in the local and metropolitan telephone directories by the company did not violate the paragraph of the Medical Practice Act which you quoted in your letter of July 4. This, to be sure, is a matter of much gratification to me, but if there are any court decisions bearing upon this matter which may possibly, though not probably, be unknown to my advisers, I hope that you will do me the courtesy of calling my attention to them.

It seems to me that if the interpretation adopted by the board is to stand, then it follows that a grandmother who, on her own initiative, decides that her little grandson has measles and tells his parents so, must also be guilty of violating the act, for it specifically states that anyone who diagnoses a disease is guilty of a misdemeanor.

I cannot believe that the board will claim the right to deny those upon whom the title of "Doctor of Medicine" has been lawfully conferred the legitimate use of it, and I firmly believe that any law which attempted to do so would promptly be declared unconstitutional. What apparently is needed is a term to distinguish the licentiate in medicine from the graduate, but surely the lack of such a term cannot justify curtailing the civil rights of others. If the board desires to insist upon the correctness of its interpretation, it probably would be well to bring a test case for the information of others whose names appear similarly as mine as well as for the good of the medical profession.

With warmest regards,

Very truly yours, A. W. MEYER.

Subject of Following Letter: Narcotic Laws and Enforcement in California

San Francisco,
October 9, 1929.

California and Western Medicine,
Balboa Building,
San Francisco, California.

Gentlemen: I am enclosing herewith a résumé of the law affecting narcotics passed by the last legislature and which became effective August 14, 1929. This does not purport to be a complete statement of all of the provisions of the law, but merely contains those provisions which, in my opinion, are important for the physician to know. There are, of course, other provisions dealing with the outright sales to addicts, the forging of prescriptions, and other practices which are obviously criminal and which no reputable practitioner would be in danger of employing. The regulations to which the statement enclosed calls attention are mainly of a character which an honest physician, unacquainted with the law, might, and sometimes does, violate. It is the purpose of this department to strictly enforce this law and we would appreciate a wide publicity in the medical profession, in order that physicians may not find themselves embarrassed by ignorance of the law.

Yours very truly,

FRANK H. BENSON,
Chief of the Division of Narcotic Enforcement.

Résumé of Recent Law Affecting Narcotics

Physicians cannot legally prescribe, administer or dispense opiates or other prescribed drugs merely to satisfy addiction or to relieve withdrawal symptoms. To do so lays the physician liable to criminal prosecution.

Physicians may submit an addict to the reduction or ambulatory treatment only in city or county jails, or state prisons, or State Narcotic Hospitals, or in institutions approved by the State Board of Medical Examiners, where the patient is kept under restraint or control. Where this treatment is employed in such institutions the narcotics must be administered only by a regularly licensed physician or a registered nurse. The physician, or other person, who gives the reduction treatment otherwise than in the manner described in the act is guilty of a criminal offense and, under the terms of the State Medical Act, is liable to have his license revoked.

The physician, in the regular course of his practice, may, in good faith, prescribe or administer narcotics to his patient for a reasonable time and in reasonable amounts for any disease, ailment, or injury, other than narcotic addiction. He must keep an office record, giving the name of the patient, the pathology for which each treatment is given and the date thereof. This record is open to inspection by the officers of the law.

The physician may prescribe narcotics for any habitual user of narcotics who, in addition to his addiction, has any disease, injury, or ailment for which the physician, in good faith, believes such narcotics are indicated, or whose addiction is complicated by the infirmities of old age. Where the physician so prescribes for an habitual user he must, within five days after the first treatment, and whenever requested thereafter, send by registered mail to the Narcotic Enforcement Division, 302 State Building, San Francisco, a report of such treatment. Cards for making such report will be furnished by the division upon request.

Every narcotic prescription must be dated as of the date it is written, and such date, together with the name and address of the patient and the name of the prescribing physician must be written by the physician himself. The practice of telephoning narcotic prescriptions to be filled and delivered by the pharmacist and later signed by the physician is absolutely illegal and subjects both the physician and the pharmacist to prosecution.

The narcotics referred to herein are cocaine, opium, morphin, codein, heroin, alpha eucain, beta eucain, hemp (*cannabis sativa*), or the extracts thereof, chloralhydrate, or any of the salts, derivatives or compounds of the foregoing; provided, that preparations of the United States Pharmacopeia and National Formulary or other recognized or established formulae or other remedies or prescriptions sold or prescribed in good faith for medicinal purposes only and not for the purpose of satisfying the addiction of an habitual user of narcotics, which contain not more than two grains of opium, or one-fourth grain of morphin, or one grain of codein, or one-eighth grain of heroin, or ten grains of chloralhydrate, or four grains of Indian hemp or loco weed in one fluidounce or, if sold in solid preparation, one ounce avoirdupois, are not within the provisions of the law, except paregoric, which may be sold only upon the prescription of a regularly licensed physician.

The foregoing are the principal provisions of the State Narcotic Law insofar as it affects physicians. There are certain federal regulations with which the physician should be familiar. Information concerning these may be obtained from the Internal Revenue Service, Custom House, Washington and Battery streets, San Francisco.

A copy of the state law will be furnished to any physician or pharmacist, or other person interested, by writing to the State Narcotic Enforcement Division.